

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard S. Ginn et al.
Appl. No. : Not Yet Assigned
Filing Date : Herewith (October 8, 2003)
Title : Plunger Apparatus and Methods for Delivering a Closure Device
Group Art Unit : 3731
Examiner : Not Yet Assigned
Docket No. : 701879.4011

MAIL STOP - DD
Commissioner for Patents
P.O. Box 1450
Washington, DC 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:


In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items listed on the attached form PTO-1449 were cited in previous application serial no. 10/081,717 filed on February 21, 2002, thus, copies are not enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
37 CFR §1.10

Date: October 8, 2003
Express Mailing Label No.: EV 339738395 US

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage, envelope addressed to: MAIL STOP DD, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


LYNNE FULMER
DOCSOC1:142823.1
701879-1 J2G

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INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

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STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

☐ A check in the amount of _____ is enclosed for the above fee(s).


☐ Please charge _____ to Deposit Account No. **15-0665** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 8, 2003

By: 
James W. Geriak
Reg. No. 20,233

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949/567-6710 Facsimile

FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Us s v ral sh ts if n c ssary)	ATTY. DOCKET NO. 701879.4011	SERIAL NO. Not Yet Assigned
	APPLICANT: Richard S. Ginn, et al.	
	FILING DATE: Herewith (10/8/2003)	GROUP: 3731

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		3,586,002	1/22/1977	Wood			
		3,604,425	9/14/1971	LeRoy			
		3,677,243	7/18/1972	Nerz			
		3,757,629	9/11/1973	Schneider			
		3,805,337	4/23/1974	Branstetter			
		4,192,315	3/11/1980	Hilzinger, et al.			
		4,217,902	8/19/1980	March			
		4,345,606	8/24/1982	Littleford			
		4,396,139	8/2/1983	Hall, et al.			
		4,411,654	10/25/1983	Boarini, et al.			
		4,412,832	11/1/1983	Kling, et al.			
		4,485,816	12/4/1984	Krumme			
		4,505,274	3/19/1985	Speelman			
		RE 31,855	3/26/1985	Osborn			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		PCT Publication No. WO 00/07640, "Vascular Suction Cannula, Dialator and Surgical Stapler", 2/17/00.
		PCT Publication No. WO 00/56227, entitled "Advanced Closure Device", 9/28/2000.

DOCSOC1:142824.1 701879-1 J2G EXAMINER: Not yet assigned	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	

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		PCT Publication No. WO 00/56223 entitled "Vascular Closure Device", 9/28/2000.
		PCT Publication No. WO 99/62408 entitled "Vascular Port Device", 12/9/1999.

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		4,586,503	5/6/1986	Kirsch, et al.			
		4,687,469	8/18/1987	Osypka			
		4,772,266	9/20/1988	Groshong			
		4,777,950	10/18/1988	Kees, Jr.			
		4,860,746	8/29/1989	Yoon			
		4,865,026	9/12/1989	Barrett			
		4,917,087	4/17/1990	Walsh, et al.			
		4,950,258	8/21/1990	Kawai, et al.			
		5,007,921	4/16/1991	Brown			
		5,026,390	6/25/1991	Brown			
		5,053,008	10/1/1991	Bajaj			
		5,108,420	4/28/1992	Marks			
		5,156,609	10/20/1992	Nakao, et al.			
		5,167,643	12/1/1992	Lynn			
		5,176,648	1/5/1993	Holmes, et al.			

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							YES	NO

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		PCT Publication No. WO 98/24374, "Vascular Wound Closure System", Yong Zhu, et al., 6/11/98.
		PCT Publication No. WO 97/20505, "Vascular Wound Closure Device", Yong Zhu, et al., 6/12/97.

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		5,192,302	3/9/1993	Kensey, et al.			
		5,222,974	6/29/1993	Kensey, et al.			
		5,275,616	1/4/1994	Fowler			
		5,304,184	4/19/1994	Hathaway, et al.			
		5,318,542	6/7/1994	Hirsch, et al.			
		5,334,217	8/2/1994	Das			
		5,366,458	11/22/1994	Korthoff, et al.			
		5,478,354	12/26/1995	Tovey, et al.			
		5,527,322	6/18/1996	Klein, et al.			
		5,674,231	10/7/1997	Green, et al.			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		5,683,405	11/4/1997	Yacoubian, et al.			
		5,695,505	12/9/1997	Yoon			
		5,782,844	7/21/1998	Yoon, et al.			
		5,782,860	7/21/1998	Epstein, et al.			
		5,782,861	7/21/1998	Cragg, et al.			
		5,810,846	9/22/1998	Virnich, et al.			
		5,810,851	9/22/1998	Yoon			
		5,817,113	10/1998	Gifford			
		5,820,631	10/1998	Nobles			
		5,830,125	11/3/1998	Scribner, et al.			
		5,879,366	3/9/1999	Shaw, et al.			
		5,910,155	6/8/1999	Ratcliff, et al.			

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		5,922,009	7/13/1999	Epstein, et al.			
		5,951,518	9/14/1999	Licata, et al.			
		5,951,589	9/14/1999	Epstein, et al.			
		5,964,782	10/1999	LaFontaine, et al.			
		5,984,934	11/16/1999	Ashby, et al.			
		6,007,563	12/28/1999	Nash, et al.			
		6,036,720	3/14/2000	Abrams, et al.			
		6,045,570	4/4/2000	Epstein, et al.			
		6,056,770	5/2/2000	Epstein, et al.			
		6,056,769	5/2/2000	Epstein, et al.			
		6,063,085	5/16/2000	Tay, et al.			
		6,077,281	6/20/2000	Das			
		6,077,291	6/20/2000	Das			
		6,080,182	6/27/2000	Shaw			
		6,080,183	6/27/2000	Tsugita, et al.			
		6,113,612	9/5/2000	Swanson, et al.			

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		6,120,524	9/2000	Taheri			
		6,152,937	11/28/2000	Peterson, et al.			
		6,348,064 B1	2/19/2002	Kanner			
		US 2003/0009180 A1	Publ. 1/9/2003	Hinchliffe et al.			
		US 2003/0093096 A1	Publ. 5/15/2003	McGuckin et al.			

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